

Gov't in Dilemma Over McGourty Wiretap Motion

WASHINGTON D.C., Sept. 25 — Facing the exposure of another "Watergate" operation against the U.S. Labor Party and the National Caucus of Labor Committees, the government is still at a loss as to how to handle the demand for disclosure of electronic surveillance in the Marine Corps court martial of NCLC organizer Jim McGourty.

As of today the Department of Defense is still poring over transcripts of wiretaps, trying to decide whether to disclose any of this illegally gathered material and thus jeopardize their case against McGourty, or simply lie and deny any illegal wiretapping.

Inquiries by a New Solidarity reporter have revealed that frameup artist Guy Goodwin of the Criminal Division of the Justice Department felt the NCLC case was too hot to handle and kicked it back to the Defense Department. "I've never seen a case like this," said a member of Goodwin's staff.

All of the non-military wiretap responses are now being examined by the "Security Plans and Programs Division" of the Defense Department, an obscure unit which sounds remarkably like a CIA operation.

As a source in the Naval Staff Judge Advocate's office indicated, "Some wiretapping is legal, some is illegal." But he granted that any wiretapping of the NCLC would be illegal, since the NCLC "has nothing to do with a foreign invasion." When then asked whether illegal electronic surveillance might not raise the Watergate issue, he replied, "It sure would."

Lawyers knowledgeable in these matters consider the government's handling of the electronic surveillance motion in the McGourty case to be unprecedented, and feel that a

dismissal of the charges is quite probable.

After two weeks, the official responses to the wiretap disclosure motions in the court martial of NCLC organizer Jim McGourty are still resting uneasily in the National Security Agency. This agency operates officially under the direction of the Secretary of Defense "for the performance of highly-specialized technical functions in support of the intelligence activities of the United States."

In less cryptic terms, the NSA is one of the key elements in the "intelligence community" which revolves around the Central Intelligence Agency.

The government's dilemma in the McGourty case demonstrates how the NCLC can beat many of the frameups against its organizers. The CIA-government campaign of surveillance and dirty tricks can often be turned back against them — even using courtroom procedures — so that their anxiousness to "get the Labor Committee" becomes their undoing.

In the McGourty case, the government claims to have a strong legal case for proving its charge of "desertion" from the Marines. But we know, and they know, that this is not the issue. The National Caucus of Labor Committees is.

The real political issues were brought into the trial through the motion on the illegal arrest of McGourty on May 6, an arrest resulting from a conspiracy between the Philadelphia police and the local Communist Party, and through the motion for disclosure of electronic surveillance.

The first motion was denied but is an excellent appeal issue. The responses on the second motion from the CIA, FBI, White House plumbers, etc., were delayed. The CIA, which directs anti-NCLC operations, is

now faced with the insoluble dilemma of either admitting wiretapping, and blowing the McGourty case, or denying wiretapping. If they deny it, they not only risk their credibility but the possibility of using wiretap evidence in future frameups.

What will save the NCLC from frameups is its ability to not only discredit the government and the CIA, but to use these cases to organize and expand NCLC influence, to the point where the enemy says, "To hell with it, it's more dangerous for us to frame these bastards up than to let them go." Most likely they'll be saying that soon about Jim McGourty.